

REMARKS

Summary of the Office Action

Claims 1, 6, and 8 stand rejected under 35 U.S.C. § 102(b) as being anticipated by DE 311387.

Claims 3-5 and 7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over DE 311387.

Claim 2 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over DE 311387 in view of Soley (US 4,055,489).

The drawings are objected to for failing to comply with 37 C.F.R. § 1.84(a), (g), and (l).

Summary of the Response to the Office Action

Applicant has amended the specification, amended claim 1, and canceled claims 9-57. Accordingly, claims 1-8 are pending for consideration.

Drawing Objections

The drawings are objected to for failing to comply with 37 C.F.R. § 1.83(a), 1.84(g), and 1.84(l).

With regard to the objections under 37 C.F.R. § 1.83(a), Applicant respectfully submits concurrently herewith, a Submission of Replacement Drawings that includes amendments to FIG. 1 showing a motor system 10 for “driving the first conveyor in a first direction and the second conveyor in a second direction,” as recited by claims 1 and 5. Accordingly, Applicant respectfully submits that replacement drawing FIG. 1 shows every feature specified in claims 1 and 5. Thus, Applicant respectfully requests that the objection to the drawings under 37 C.F.R. § 1.84(a) be withdrawn.

With regard to the objections under 37 C.F.R. § 1.84(g), Applicant respectfully submits concurrently herewith, a Submission of Replacement Drawings that satisfy the margin requirements. Accordingly, Applicant respectfully requests that the objection under 37 C.F.R. § 1.84(g) be withdrawn.

With regard to the objections under 37 C.F.R. § 1.84(l), Applicant respectfully submits concurrently herewith, a Submission of Replacement Drawings having improved line quality. Accordingly, Applicant respectfully requests that the objection under 37 C.F.R. § 1.84(l) be withdrawn.

Claims Define Allowable Subject Matter

Claims 1, 6, and 8 stand rejected under 35 U.S.C. § 102(b) as being anticipated by DE 311387, claims 3-5 and 7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over DE 311387, and claim 2 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over DE 311387 in view of Soley (US 4,055,489). Applicant respectfully traverses these rejections as being based upon prior art references, single and combined, that neither teach nor suggest the novel combination of features recited in amended independent claim 1, and hence dependent claims 2-8.

Independent claim 1, as amended, recites an apparatus for separating non-magnetic mineral values from a source material containing magnetic material and non-magnetic material including “a second endless conveyer positioned beneath and parallel to the first conveyer in a vertically spaced relationship therewith.”

In contrast to Applicant’s claimed invention, DE 311387 apparently teaches first and

second conveyors “a” and “f” mutually disposed to each other at an offset angle. Accordingly, Applicant respectfully submits that DE 311387 neither teaches nor suggests the novel combination of features of independent claim 1, as amended, and hence dependent claims 2-8.

Applicant further asserts that the Office Action does not rely on Soley to remedy the deficiencies of DE 311387. Moreover, Applicant respectfully asserts that Soley cannot remedy the deficiencies of DE 311387, as denoted above.

For at least the above reasons, Applicants respectfully submit that neither of DE 311387 and/or Soley, whether taken singly or combined, teach or suggest Applicant’s claimed features of independent claim 1, as amended, and hence dependent claims 2-8. Applicant respectfully asserts that the rejections under 35 U.S.C. §§ 102(b) and 103(a) should be withdrawn because the above-discussed novel combination of features are neither taught nor suggested by any of the applied references, whether taken alone or in combination.

CONCLUSION


In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration of this application and the timely allowance of the pending claims. Should the Examiner believe that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants’ undersigned representative to expedite prosecution.

If there is any fee due in connection with the filing of this Amendment, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37

C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

By: 
David B. Hardy
Reg. No. 47,362

Dated: December 19, 2003

Customer No. 009629

MORGAN, LEWIS & BOCKIUS LLP

1111 Pennsylvania Avenue, N.W.

Washington, DC 20004

202-739-3000